



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 27, 2010

SUBJECT: Conditional Use Permit No. 789-10, Conditional Use Permit No. 790-10 and Modification No. 1 to Design Overlay Review No. 718-00

APPLICANT: Lynn Van Aken for Clearwire
27271 Las Ramblas, Suite 200
Mission Viejo, California 92691

REQUEST: To install an unmanned telecommunications facility on an existing 75-foot high telecommunications facility stealthed as a flagpole located in the CA (Commercial, Automotive) zone and within the Merged and Amended Redevelopment Project Area.

PROPERTY INVOLVED: 1601 East 223rd Street

COMMISSION ACTION

____ Concurred with staff

____ Did not concur with staff

____ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Diaz			Verrett
		Gordon			

Item No. 11B

I. Introduction

Applicant

- Lynn Van Aken for Clearwire; 27271 Las Ramblas, Suite 200; Mission Viejo, California 92691

Property Owner

- Union Pacific Railroad; 1400 Douglas Street; Omaha, Nebraska 68179

Project Address

- 1601 East 223rd Street

Project Description

- To collocate an unmanned telecommunications facility on an existing 75-foot high telecommunications tower stealthed as a flagpole
- The new antennas will be attached to the tower at 64 feet and 67 feet above ground level within the flagpole structure.
- The project includes three (3) panel antennas and one microwave dish with one equipment cabinet located within a 7 foot x7 foot area next to the existing tower.
- The proposal includes the following discretionary requests:
 - *Modification No. 1 to Design Overlay Review No. 718-00:* On February 6, 2001, the City Council reversed the decision of the Planning Commission by approving Design Overlay Review No. 718-00 which included the approval for a 75-foot high telecommunications facility stealthed as a flagpole. Per Condition No. 3 of the conditions of approval, substantial changes require review by the Planning Commission; and
 - *Conditional Use Permit No. 789-10 (Height):* Pursuant to Section 9138.16.F, the facility exceeds the maximum height limit and approval of a conditional use permit in conformance with Section 9138.16.G-H is required by the Planning Commission.
 - *Conditional Use Permit No. 790-10 (Tower):* Pursuant to Sections 9182.21-22, the existing tower structure is non-conforming and approval of a conditional use permit is required by the Planning Commission.

II. Background

Previous Uses of Property

- Building permits indicate the 75-foot high telecommunications facility stealthed as a flagpole was built in 2001. AAT Communications currently



leases 4,400 square feet of the site. Twelve panel antennas are currently located within the pole at a height of 72 feet. Sprint PCS currently has a lease with AAT Communications to operate their antennas on the monopole. There currently exists a landscaped front yard setback and a concrete block wall enclosure. Within the enclosure is an equipment area and flagpole. The United States flag is currently flown on the flagpole.

Previously Approved Discretionary Permits

- Design Overlay Review No. 718-00: 75-foot high telecommunications facility stealthed as a flagpole

Public Safety Issues

- The Public Safety Department has not reported any current code enforcement cases associated with this property

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 1601 E. 223rd Street in the City of Carson, between the Avalon Boulevard and Wilmington Avenue.
- Surrounding uses include the Dominguez Channel and 405 Freeway to the north, railroad tracks and automobile dealerships to the west, the Dominguez Channel to the east and a light industrial use and restaurant to the south.
- The site is a vacant triangular parcel and is owned by Union Pacific Railroad. The site is 0.52 acres and has a driveway approach along 223rd Street. The property is located on the north side of 223rd Street, which is designated as a major arterial road.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CA (Commercial, Automotive) and properties to the west are similarly zoned. Properties to the south are zoned MH (Manufacturing, Heavy).
- The subject property has a General Plan Land Use designation of Regional Commercial; all adjacent properties have a General Plan Land Use designation of Regional Commercial or Heavy Industrial

Applicable Zoning Ordinance Regulations

The following table summarizes the proposed project's consistency with current site development standards for the CA zone district and other zoning code sections applicable to this type of proposed use:



Applicable Zoning Ordinance Sections	Compliant	Non-Compliant	Comments
COMMERCIAL ZONES - DEVELOPMENT STANDARDS			
9131.1, "Uses Permitted"	X		Major Wireless Telecommunication Facilities require a Site Plan and Design Review and Conditional Use Permit. Also, subject to Section 9138.16.
WIRELESS TELECOMMUNICATION FACILITY DEVELOPMENT STANDARDS			
Section 9138.16D2, "Procedural Standards, Major Wireless Telecommunication Facilities"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission
Section 9138.16E, "Application Requirements"	X		
Section 9138.16F1-7, "Design and Development Standards"	X		Proposed height can be allowed if there is no expansion or intensification of the facility.
Section 9138.16H, "Required Findings"	X		Subject to approval of a Design Overlay Review and Conditional Use Permit by the Planning Commission



Environmental Effects of Telecommunication Facilities on Human Beings

The Federal Communications Commission (FCC) which regulates the use of telecommunication facilities has done studies on low level radiofrequency radiation but has not found that it causes harmful biological effects on human beings. In general, cities cannot regulate telecommunication facilities on the basis of environmental effects of radio frequency emissions if the emissions comply with the requirements of the Federal Communications Commission (FCC). Telecommunication providers are required to certify that their telecommunication facility complies with FCC guidelines regarding radiofrequency. Furthermore, cities cannot regulate radiofrequency interference (RFI) that interferes with the reception of television signals for nearby homes. The courts have held that the FCC has exclusive jurisdiction to regulate RFI.

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21, Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other Sections of this chapter (Zoning Ordinance).

Modification to Design Overlay Review No. 718-00

On February 6, 2001, the City Council reversed the decision of the Planning Commission by approving Design Overlay Review No. 718-00 which included the following:

- o Design Overlay Review (DOR) for architectural design for 75-foot high telecommunications facility stealthed as a flagpole.

Per Condition No. 3 of the approved conditions of approval, substantial changes require review by the Planning Commission.



Required Findings: Wireless Telecommunications Facilities

Pursuant to Section 9138.16, Wireless telecommunications Facilities, the Planning Division or Planning Commission may approve the development plan and conditional use permit for the proposal only if the following findings can be made in the affirmative:

- a. The proposed site is the best alternative after considering co-location with another facility and location at another site.
- b. The proposed wireless telecommunication facility will be located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealthing which incorporates the facility with the structure in which it will be mounted through use of material, color, and architectural design.
- c. The proposed wireless telecommunication facility is not located on any residential dwelling or on any property which contains a residential dwelling, except as may be associated with a church, temple, or place of religious worship.

All of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Commission Findings and Decision", and Section 9138.16(h), "Wireless Telecommunications Facilities, Required Findings" can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern / Mitigation:

- Issue – No intensification of antennas: Staff's review of the proposed site plan indicates the addition of antennas, and not height, to the tower.
- Issue – Site Maintenance: The site shall be properly maintained and kept in good condition.
 - *Mitigation:* The applicant shall paint any portion of the tower in disrepair to the satisfaction of the Planning Department. A condition of approval has been included to reflect this mitigation measure.
- Issue – Aesthetics – Driveway Gate: The applicant shall replace the driveway gate when necessary to prohibit the unauthorized parking of trucks and other vehicles on-site.
- Issue - Aesthetics – Landscaping: To the extent feasible, the applicant shall adequately maintain landscaping along the frontage of the property.



IV. Environmental Review

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed installation of a wireless telecommunications facility on a developed commercial property does not have the potential for causing a significant effect on the environment and is found to be exempt.

V. Conclusion

Staff believes the proposed antennas will meet and exceed all requirements of the Carson Municipal Code. Existing conditions of approval ensure that the proposed antennas will not have a negative impact on the surrounding areas.

VI. Recommendation

That the Planning Commission:

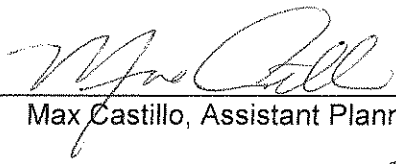
- **ADOPT** a minute resolution and instruct staff to make necessary changes to Resolution No. 01-017; and
- **APPROVE**, Conditional Use Permit No. 789-10, Conditional Use Permit No. 790-10 and Modification No. 1 to Design Overlay Review No. 718-00, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No._____, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 789-10, CONDITIONAL USE PERMIT NO. 790-10 AND MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 718-00 FOR AN UNMANNED TELECOMMUNICATIONS FACILITY ON AN EXISTING 75-FOOT HIGH TELECOMMUNICATIONS FACILITY AT 1601 EAST 223RD STREET."

VII. Exhibits

1. Land Use Map
2. City Council Resolution No. 01-017
3. City Council Staff Report to Consider An Appeal of the Planning Commission's denial of Design Overlay Review No. 718-00 dated February 6, 2001 (without exhibits)
4. Resolution
5. Project Plans (Separate from this report)




Prepared by:


Max Castillo, Assistant Planner

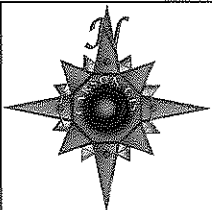
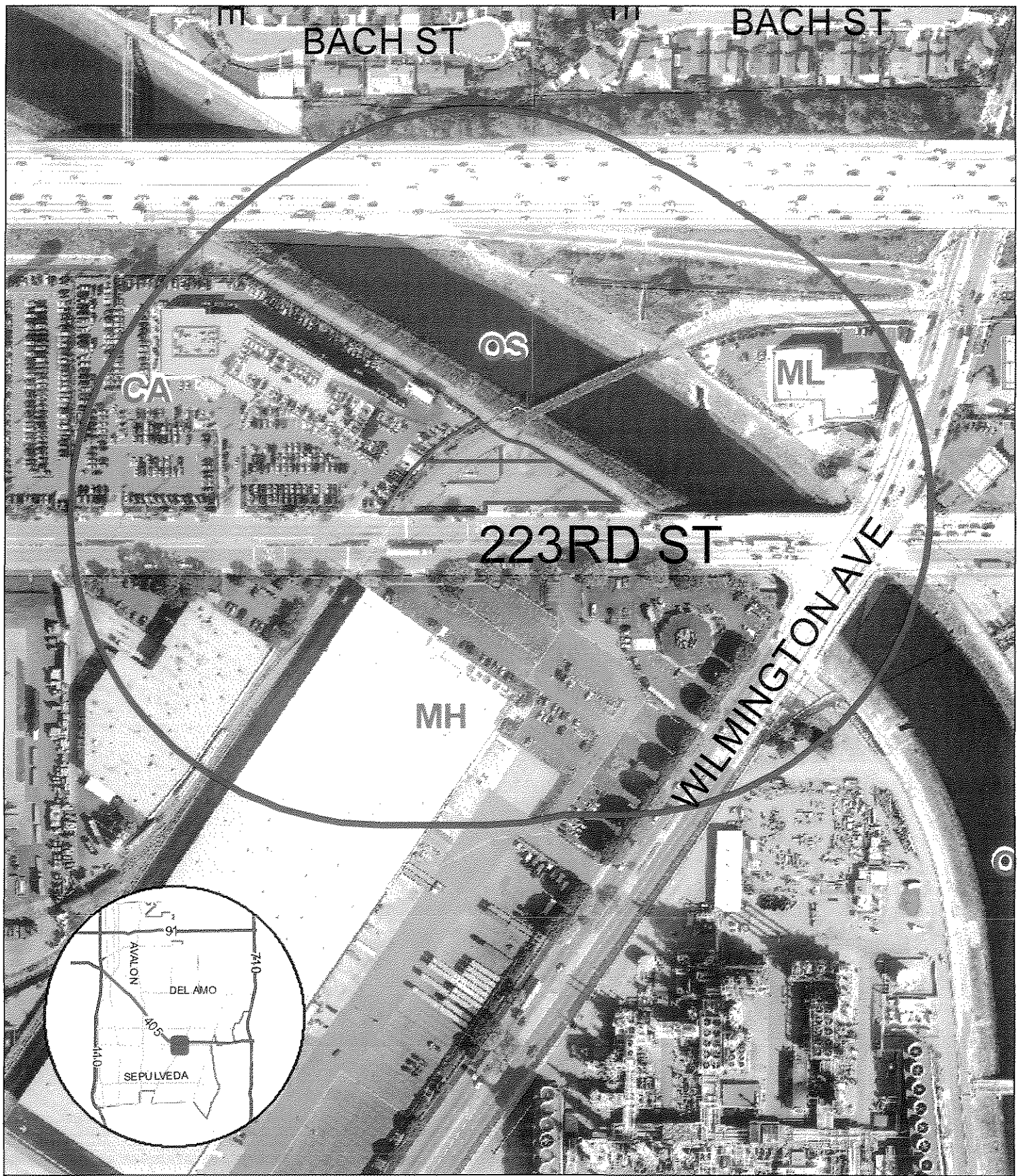
Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:

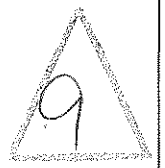

Sheri Repp-Loadsman, Planning Officer

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City of Carson
500 Foot Radius Map
1601 E 223rd St

EXHIBIT NO. 1



RESOLUTION NO. 01-017

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARSON REVERSING THE DECISION OF THE
PLANNING COMMISSION AND APPROVING
DESIGN OVERLAY REVIEW NO. 718-00**

**THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY
FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, AAT Communications Corporation, with respect to real property located at 1601 E. 223rd Street and described in Exhibit "A" attached hereto, to construct an 85 foot tall telecommunications pole. The subject property is located in the ML (Manufacturing, Light) zoned district and within the Merged and Amended Redevelopment Project Area.

Section 2. Public hearings were duly held by the Planning Commission on August 8, September 12, September 26, October 10, and October 24, 2000, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meetings were duly given. Following the aforesaid public hearings, at which time evidence, both written and oral, was presented to and considered, the Planning Commission denied the proposed project.

Section 3. Pursuant to Section 9173.4 of the Carson Municipal Code, a notice of appeal of the Planning Commission decision was timely filed by the applicant on November 7, 2000. Public hearings were held by the City Council on December 19, 2000 and January 9, January 23, and February 6, 2001 at 6:00 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. In conjunction with such appeal, the applicant requested the City Council to approve a smaller telecommunications pole (75 feet rather than 85 feet) than was considered by the Planning Commission. The City Council continued the item from January 23, 2001 to February 6, 2001 to allow the Planning Commission to review the revised project to construct a 75 foot tall communications pole. On January 30, 2001, the Planning Commission reviewed the revised project and recommended approval to the City Council, subject to conditions. Evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid meetings. At the conclusion of the public hearing, the City Council voted to reverse the initial decision of the Planning Commission and to approve Design Overlay Review No. 718-00 (for a 75 foot tall telecommunications pole), subject to conditions.

Section 4. The City Council finds that:

a) The use of telecommunication facilities is permitted in the ML (Manufacturing, Light) zone district pursuant to Carson Municipal Code Section 9141.1. As the project is located within the Merged and Amended Redevelopment Project Area, it is subject to the site plan and design review procedure set forth in Section 9172.23 of the Carson Municipal Code. Per Section 9113.2 of the Carson Municipal Code, the design overlay designation was created to achieve special design standards, architectural quality, style and compatibility, and functional integration of neighboring developments.

b) The proposed project adheres to the goals and policies described in the Land Use Element of the General Plan. It is a stated goal to "provide for the establishment, expansion and preservation of small and medium-size industrial uses which are not likely to have adverse effects upon each other or upon neighboring residential and commercial zones." Conditions have been included to ensure that the proposed height and location of the monopole will have not have a negative visual impact on the surrounding areas.


c) The proposed telecommunications pole will be designed as a flag pole and the height has been reduced from 85 feet to 75 feet to be compatible with the surrounding uses, which include the Dominguez Channel and 405 Freeway to the north, railroad tracks and proposed automobile dealerships to the west, the Dominguez Channel and vacant industrial property to the east and a light industrial use and restaurant to the south. Flag poles of similar height exist in the surrounding area. The monopole will not affect the visibility for existing and future automobile dealerships in the area. Conditions have been included to improve site conditions by providing landscape in the front yard set back, block wall around equipment area, removal of debris, reconstruction of smaller driveway and provision of crushed aggregate base to control dust. A condition has also been included for the amount of funds required to be spent by the applicant not to exceed \$8,000.00 for landscaping materials and irrigation.

d) The location of proposed improvements will facilitate possible use of the remaining property for vehicle storage and display associated with automobile dealerships. The subject property is located in an area designated for the enhancement of automobile dealerships. The applicant has agreed to support future requests to the property owner for utilizing the remaining area for vehicle storage or other use compatible with automobile dealerships.

Section 5. Based on the aforementioned findings, the City Council hereby reverses the decision of the Planning Commission and approves Design Overlay Review No. 718-00 (for a 75 foot tall telecommunications pole) with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The City Clerk shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF FEBRUARY, 2001.


MAYOR PRO TEM

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

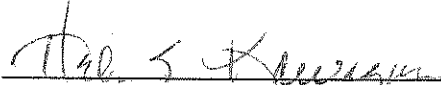

CITY ATTORNEY



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council is five; that the foregoing resolution, being Resolution No. 01-017 was duly and regularly adopted by said Council at a regular meeting duly and regularly held on the 6th day of February, 2001 and that the same was passed and adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Sweeney, Frank, and Ontal
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Calas and Fajardo



City Clerk, City of Carson, California

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Exhibit "A"

Legal Description

THAT PORTION OF LOT 52 OF TRACT NO. 4546, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50, PAGES 21 AND 22 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHEASTERLY OF A LINE THAT IS PARALLEL WITH AND DISTANT 15.00 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES OR RADially FROM THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF WILMINGTON AVENUE, 66 FEET WIDE, AS SHOWN ON SAID MAP, WITH THE WESTERLY PROLONGATION OF A LINE THAT IS PARALLEL WITH AND DISTANT 15.00 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THAT CERTAIN LINE HAVING A BEARING AND LENGTH OF SOUTH $87^{\circ}48'21''$ WEST, 549.31 FEET IN THE BOUNDARY OF THE REAL PROPERTY DESCRIBED IN PARCEL 1 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED AS DOCUMENT NO. 1272 ON NOVEMBER 13, 1961, IN BOOK D-1417 PAGE 995 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; THENCE SOUTH $87^{\circ}48'21''$ WEST ALONG SAID WESTERLY PROLONGATION, 281.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 358.39 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $23^{\circ}48'21''$, AN ARC DISTANCE OF 148.91 FEET; THENCE TANGENT TO SAID CURVE, $64^{\circ}00'00''$ WEST, 361.71 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 358.99 FEET, WHICH CURVE IS ALSO TANGENT TO A LINE THAT IS PARALLEL WITH AND DISTANT 643.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF WILMINGTON AVENUE, 76 FEET WIDE, AS SAID CENTER LINE IS SHOWN ON THE MAP OF TRACT NO. 10844, AS PER MAP RECORDED IN BOOK 301 PAGES 37, 38 AND 39 OF SAID MAPS; THENCE SOUTHWESTERLY ALONG SAID CURVE (THROUGH A CENTRAL ANGLE OF $29^{\circ}46'04''$). AN ARC DISTANCE OF 186.20 FEET TO SAID PARALLEL LINE; THENCE SOUTH $34^{\circ}46'04''$). AN WEST ALONG SAID PARALLEL LINE, 60.65 FEET TO THE CENTER LINE OF 223RD STREET, 66 FEET WIDE, FORMERLY WILMINGTON STREET, 66 WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 4546.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED LINES:

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BEGINNING AT THE EASTERLY CORNER OF SAID LOT 52; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 52, A DISTANCE OF 242.21 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO SAID SOUTHERLY LINE, TO A POINT IN A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 17.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHERLY LINE; THENCE EASTERLY ALONG SAID PARALLEL LINE TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 52; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED LINES:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SAID LOT 52 WITH A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 17.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE SOUTHERLY LINE OF SAID LOT 52; THENCE WESTERLY ALONG SAID PARALLEL LINE 23.57 FEET; THENCE NORTHWESTERLY IN A DIRECT LINE TO A POINT IN SAID NORTHEASTERLY LINE DISTANT NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE 132.00 FEET FROM THE EASTERLY CORNER OF SAID LOT 52; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE TO THE POINT OF BEGINNING.

ALSO.

EXCEPT THAT PORTION OF SAID LAND LYING WITHIN THAT PROPERTY DESCRIBED IN A DEED TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, A BODY CORPORATE, RECORDED JANUARY 11, 1963 AS DOCUMENT NO. 4432 AND MAY 19, 1964, AS DOCUMENT NO. 4068, BOTH OF OFFICIAL RECORDS.

ALSO EXCEPTING ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBONS AND OTHER KINDRED SUBSTANCES IN AND UNDER SAID LAND, BUT WITHOUT RIGHT OF ENTRY AT OR ABOVE A DEPTH OF 500 FEET, MEASURED VERTICALLY FROM THE SURFACE PROVIDED, HOWEVER, THAT SAID GRANTOR SHALL NOT USE THE SURFACE OF SAID LAND AND SHALL NOT DISTURB THE SURFACE OF SAID LAND OR ANY IMPROVEMENTS THEREON OR REMOVE OR IMPAIR THE LATERAL OR SUBJACENT SUPPORT OF SAID LAND OR ANY IMPROVEMENTS THEREON, AS RESERVED IN THE DEED FROM COUNTY SANITATION DISTRICT NO. 8 OF LOS ANGELES COUNTY, A BODY POLITIC, RECORDED OCTOBER 18, 1962 IN BOOK D-1794, PAGE 473, OFFICIAL RECORDS.

CITY OF CARSON

CITY COUNCIL

EXHIBIT "B"

DESIGN OVERLAY REVIEW NO. 718-00

GENERAL CONDITIONS

1. If Design Overlay Review No. 718-00 is not used within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial changes will require review by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Development Services Department within 30 days of receipt of the City Council Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, the permit shall lapse, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
6. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
7. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Development Services Group prior to the issuance of a building permit.
8. Within forty-eight hours of approval of the subject project, the applicant shall deliver to the Development Services Group a cashier's check or money order payable to the County Clerk in the amount of \$25.00 (twenty-five dollars) pursuant to AB 3185, Chapter 1706, Statutes of 1990, to enable the city to file the Notice of Determination required under Public Resources Code Section



9. 21152 and 14 California. Code of Regulations 15075. If within such forty-eight hour period the applicant has not delivered to the Development Services Department the above-noted cashier's check or money order, the approval for the project granted herein may be considered automatically null and void.
10. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. The applicant shall support the use of the remaining area of the site for uses consistent with the automotive dealerships prioritized for the 223rd Street area and that a written declaration of assistance be provided relative to any discussions or agreements involving the property owner and future tenant.
11. The city or authorized designee may utilize the pole for alternative flag displays including but not limited to the Carson flag or flags related to the automobile dealerships.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
13. The existing pavement shall be removed and four inches of aggregate base shall be provided.
14. A gate shall be provided at the driveway to prohibit the unauthorized parking of trucks and other vehicles. Design and location of the gate shall be subject to approval.

LANDSCAPING/IRRIGATION

15. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit. The applicant shall not provide funds in excess of \$8,000.00 for landscaping materials and irrigation.
16. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."



17. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
18. The existing landscape setback shall be increased from 5 feet to 10 feet in width.

UTILITIES

19. All utilities and aboveground equipment shall be constructed and located pursuant to the Zoning Ordinance, unless otherwise provided for in these conditions.

AESTHETICS

20. All trash and inoperable vehicles shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Development Services Group.

FENCES/WALLS

21. A block wall shall be constructed around the ground equipment to provide screening.
22. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9146.3 of the Zoning Ordinance.

ENGINEERING SERVICES DIVISION

23. The existing 40-foot-wide driveway shall be reduced to a 30-foot width.
24. Unless otherwise approved by the Engineering Services Division, an irrevocable offer of dedication for 223rd Street must be on file prior to issuance of a building permit.





City of Carson Report to Mayor and City Council

February 6, 2001
Special Orders of the Day

SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF DESIGN OVERLAY REVIEW NO. 718-00 FOR THE CONSTRUCTION OF AN EIGHTY-FIVE (85) FOOT HIGH MONOPOLE IN THE ML (MANUFACTURING, LIGHT) ZONED DISTRICT AND WITHIN THE MERGED AND AMENDED REDEVELOPMENT PROJECT AREA. THE SUBJECT PROPERTY IS LOCATED AT 1601 E. 223RD STREET.

Submitted by Ann Marie Gallant
Development Services General Manager

Approved by Jerome Groomes
City Manager

I. SUMMARY

The applicant, AAT Communicaitons Group, requested an appeal of the Planning Commission's denial of Design Overlay Review No. 718-00 to construct an 85-foot high monopole designed as a flag pole. The subject site is currently vacant and is in the ML (Manufacturing, Light) zoned district and within the Merged and Amended Redevelopment Project Area. The applicant requested consideration of a revised project for a 75-foot monopole designed as a flag pole. On January 23, 2001, the City Council continued discussion of the appeal until February 6, 2001 in order to allow the Planning Commission to review and provide comment. The Planning Commission considered the reduced height of the proposed monopole on January 30, 2001 and recommended various conditions of approval.

II. RECOMMENDATION

Take the following actions:

1. **REVERSE** the decision of the Planning Commission by approving Design Overlay Review No. 718-00 for a seventy-five foot monopole designed as a flag pole.
2. **WAIVE** further reading and ADOPT Resolution No. 01-017, a "Resolution of the City Council of the City of Carson Reversing the Decision of the Planning Commission and Approving Design Overlay Review No. 718-00."

III. ALTERNATIVES

The Council may affirm, reverse, continue or refer this matter back to the Planning Commission with direction.

IV. BACKGROUND

February 6, 2001

On January 30, 2001, the Planning Commission considered additional information related to the applicant's revised proposal. The staff recommendation is to approve the reduced height of 75 feet and the applicant has agreed to provide improvements to the property related to landscaping and clean up of the remaining site.

The following issues were reviewed by the Planning Commission on January 30, 2001 to assist staff in finalizing the conditions of approval that would be submitted to the City Council on February 6, 2001.

Location of Equipment Area: Staff initially requested the applicant to allow for a 55 foot setback of the equipment area. After further review by staff and the Planning Commission, the current setback of 45 feet would be sufficient to allow the area to be used for future vehicle display.

Driveway: The current driveway is 40 feet in width. This is the maximum permitted width pursuant to Section 9162.8 of the Zoning Ordinance. Staff recommended that the driveway be reduced to 30 feet in width due to the limited size of the property. The Planning Commission and the applicant have both agreed on a 30 foot wide driveway.

Pavement: Due to the lack of maintenance and the unauthorized use of the site by large trucks, the pavement has degraded and should be removed. Initially, staff had considered recommending new pavement to upgrade the appearance of the site and allow future use of the property for parking. However, in discussions between staff and the applicant relative to the cost of pavement, staff recommended and the Planning Commission concurred that the applicant clear the existing pavement and provide new base only in order to remove the existing blighted condition.

Flag Pole: Staff recommends that the pole also be utilized for alternative flag displays such as the Carson flag or specialty flags related to the auto row concept. The Planning Commission and the applicant have both agreed to this condition.

Landscaping: The property currently provides an unmaintained landscape setback of 5 feet. The Zoning Ordinance requires 10 feet of landscape setback for new development. Staff recommends that the area be increased and irrigation and plant materials be provided. The applicant has expressed concern regarding the potential cost to provide landscaping and irrigation. The applicant requested authorization to landscape without irrigation. The Planning Commission deferred consideration of the landscape and irrigation requirement to the City Council. The applicant has requested consideration of funding assistance from the Redevelopment Agency or designation of a cap on maximum cost. Pursuant to Section 9162.52 (C) of the Carson Municipal Code, any front yard setback not occupied by a permitted encroachment is required to be landscaped and provided with an irrigation system. The provision of landscape and irrigation is required of all development. A condition has been included to require compliance with the landscape requirements.

Fencing: To provide screening, the applicant has agreed to provide a block wall around the equipment area. Staff had initially recommended to the applicant that

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wrought iron fencing or other fence material be provided to match the adjoining automobile dealerships. Since plans have not yet been submitted for the proposed Nissan dealership, staff believes that the need for perimeter fencing should be considered at such time that the property may be considered for automobile storage or display. Therefore, the applicant will not have any expense relative to the installation of perimeter fencing. A condition has been included to require a gate to prohibit the unauthorized parking of trucks and other vehicles on the property.

Use of the Remnant Area: The applicant has contacted the property owner to express the interest of the city in having the property made available for car storage and display relative to the new automotive dealerships. Staff recommends a condition that requires the applicant to support the use of the remaining area for uses consistent with the automotive dealerships prioritized for the 223rd Street area and that assistance be provided relative to any discussions or agreements involving the property owner and future tenant.

V. FISCAL IMPACT

The proposed improvements will generate minimal tax increment for the Merged and Amended Redevelopment Project Area.

VI. EXHIBITS

1. Planning Commission staff report dated January 30, 2001 without exhibits (pages 5 – 8)
2. Planning Commission Disposition dated January 30, 2001) (page 9)
3. Section 9162.52 C of the Carson Municipal Code (page 10)
4. Draft City Council Resolution No. 01-017 (page 11 – 15)

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Prepared by: Max Castillo/Sheri Repp-Loadsman

Reviewed by:

City Clerk	Finance
City Treasurer	Human Resources
Economic Development/Redevelopment	Housing/Neighborhood Development
Planning/Environmental	Public Safety
Public Works	Parks & Recreation

February 6, 2001

Action taken by City Council

Date _____

Action _____



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 789-10, CONDITIONAL USE PERMIT NO. 790-10 AND
MODIFICATION NO. 1 TO DESIGN OVERLAY REVIEW NO. 718-
00 FOR AN UNMANNED TELECOMMUNICATIONS FACILITY
ON AN EXISTING 75-FOOT HIGH TELECOMMUNICATIONS
FACILITY AT 1601 EAST 223RD STREET

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Clearwire Corporation., with respect to real property located at 1601 East 223rd Street, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit No. 789-10, Conditional Use Permit No. 790-10 and Modification No. 1 to Design Overlay Review No. 718-00 to add three (3) panel antennas and one microwave dish with one equipment cabinet to an existing 75-foot high telecommunications tower stealthed as a flagpole in the CA (Commercial, Automotive) zone and within the Merged and Amended Redevelopment Project Area. This application also addresses the existing flagpole and its height pursuant to Sections 9182.22 and 9128.16(F)(2)(d), respectively.

A public hearing was duly held on April 27, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The General Plan designates the property as Regional Commercial which is compatible with the proposed use. The proposed use and development of a wireless telecommunication facility will be consistent with the surrounding commercial and industrial uses and is appropriate for the subject property as proposed;
- b) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces and other features relative to a harmonious and attractive development of the area;
- c) The site is also adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are commercial and industrial and the proposed project is compatible with those uses. The site is 0.52 acres feet in size, flat and located in a primarily industrial area;



- d) The proposed telecommunication facility will only require monthly maintenance visits and is otherwise not occupied, therefore the off-street parking requirements are not applicable and circulation on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided with the on-site private driveway;
- e) There are no new signs intended for the proposed project;
- f) The proposed site is located in the rear of the subject property where it is least visible from the public right-of-way, thus it is the best location for the telecommunication facility.
- g) The proposed wireless telecommunication facility is located to minimize the visual impact on surrounding properties and from public streets, including stealthing which includes disguising the facility as a flagpole; and
- h) The proposed wireless telecommunication facility: 1) meets the goals and objectives of the General Plan; 2) is consistent with applicable zoning and design regulations; and 3) is compliant with conditions of approval for Design Overlay Review No. 718-00. Therefore all of the required findings pursuant to Section 9172.21(D), "Conditional Use Permit", and Section 9138.16(H), "Wireless Telecommunication Facilities", and Design Overlay Review No. 718-00 are made in the affirmative.
- i) The conditions of approval for Design Overlay Review No. 718-00 are in effect unless superseded by the conditions of approval set forth in Exhibit "B" attached hereto.

Section 4. The Planning Commission further finds that the use permitted by the proposed Conditional Use Permit will not have a significant effect on the environment. The proposed use will not alter the predominantly industrial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be exempt under the general rule of CEQA, Section 15301.

Section 5. Based on the aforementioned findings, the Commission hereby grants Conditional Use Permit No. 789-10, Conditional Use Permit No. 790-10 and Modification No. 1 to Design Overlay Review No. 718-00 with respect to the properties described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.



PASSED, APPROVED AND ADOPTED THIS 27th DAY OF APRIL, 2010

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

Legal Description

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

That portion of Lot 52 of Tract No. 4546, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 50, Pages 21 and 22 of Maps, in the Office of the County Recorder of said County, lying Southeasterly of a line that is parallel with and distant 15.00 feet Southeasterly, measured at right angles or radially, from the following described line:

Beginning at the point of intersection of the center line of Wilmington Avenue, 66 feet wide, as shown on said map, with the Westerly prolongation of a line that is parallel with and distant 15.00 feet Southerly, measured at right angles, from that certain line having a bearing and length of South $87^{\circ} 48' 21''$ West, 549.31 feet in the boundary of the real property described in Parcel 1, in the deed to the State of California, recorded November 13, 1961, as Instrument No. 1272, in Book D1417, Page 995, of Official Records, in the office of said County Recorder; thence South $87^{\circ} 48' 21''$ West, along said Westerly prolongation, 281.42 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 358.39 feet; thence Southwesterly along said curve, through a central angle of $23^{\circ} 48' 21''$, an arc distance of 148.91 feet; thence tangent to said curve, South $64^{\circ} 00' 00''$ West, 361.71 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 358.39 feet, which curve is also tangent to a line that is parallel with and distant 643.00 feet Northwesterly measured at right angles, from the center line of Wilmington Avenue, 76 feet wide, as said center line is shown on the map of Tract No. 10844, as per map recorded in Book 301, Pages 37, 38 and 39 of said Maps; thence Southwesterly along said curve (through a central angle of $29^{\circ} 46' 04''$) an arc distance of 186.20 feet to said parallel line; thence South $34^{\circ} 13' 56''$ West, along said parallel line, 60.65 feet to the center line of 223rd Street, 66 feet wide, formerly Wilmington Street, 66 feet wide, as shown on said map of Tract No. 4546.

Excepting therefrom that portion thereof lying within the following described lines:

Beginning at the Easterly corner of said Lot 52; thence Westerly along the Southerly line of said Lot 52, a distance of 242.21 feet; thence Northerly, at right angles to said Southerly line, to a point in a line that is parallel



with and distant Northerly 17.00 feet, measured at right angles from said Southerly line; thence Easterly along said parallel line to a point in the Northeasterly line of said Lot 52; thence Southeasterly along said Northeasterly line to the point of beginning.

Also excepting that portion thereof lying within the following described lines:

Beginning at the point of intersection of the Northeasterly line of said Lot 52 with a line that is parallel with and distant Northerly 17.00 feet, measured at right angles, from the Southerly line of said Lot 52; thence Westerly along said parallel line 23.57 feet; thence Northwesterly in a direct line to a point in said Northeasterly line distant Northwesterly along said Northeasterly line 132.00 feet from the Easterly corner of said Lot 52; thence Southeasterly along said Northeasterly line to the point of beginning.

Also except therefrom that portion of said land described in deed from Pacific Electric Railway Company to Los Angeles County Flood Control District, recorded May 27, 1965, as Instrument No. 4655, Official Records.

Also except all oil, gas, petroleum and other hydrocarbons and other kindred substances in and under said land, but without right of entry at or above a depth of 500 feet, measured vertically from the surface; provided, however, that said grantor shall not use the surface of said land and shall not disturb the surface of said land or any improvements thereon or remove or impair the lateral or subject support of said land or any improvements thereon, as reserved by County Sanitation District No. 8 of Los Angeles County, in deed recorded October 18, 1962, as Instrument No. 4479, Official Records.

Assessor's Parcel Number: **7315-039-800**



CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 789-10
CONDITIONAL USE PERMIT NO. 790-10

GENERAL CONDITIONS

1. If a building permit plan check submittal proposing the implementation of Conditional Use Permit No. 789-10 and Conditional Use Permit No. 790-10 is not submitted to the City of Carson within one year of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.



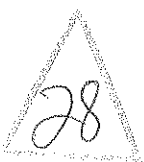
7. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
8. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.
9. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 789-10 and Conditional Use Permit No. 790-10. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

PARKING

10. All parking areas and driveways shall remain clear and maintained. No encroachment into parking areas and/or driveways shall be permitted. Parking spaces shall be re-striped and maintained.

AESTHETICS

11. The specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division prior to the issuance of any building permits.
12. The wireless telecommunication facility shall not exceed the existing flagpole height of 75 feet.
13. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for



review and further consideration of site modifications (i.e., fencing, landscaping, chemical treatment, etc.).

14. The applicant shall paint any portion of the flagpole in disrepair to the satisfaction of the Planning Department.
15. The applicant shall replace the driveway gate when necessary to prohibit the unauthorized parking of trucks and other vehicles on-site.

LANDSCAPING

16. To the extent feasible, the applicant shall adequately maintain landscaping along the frontage of the property.

SIGNS

17. The display of any sign or any other graphic on a wireless telecommunications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes, which is required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information including the phone number of the utility provider.

LIGHTING

18. All exterior lighting shall be provided in compliance with the standards as provided for in Section 9147.1 (Industrial Zones) of the Zoning Ordinance.

NOISE

19. All wireless telecommunication facilities shall be constructed and operated in such a manner as to meet the requirements of the Noise Ordinance.
20. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

BUILDING AND SAFETY

21. Submit for plan check, obtain all building permits and have a final inspection conducted for proposed project.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

22. Battery backup and storage areas shall be constructed and maintained in compliance with Article 64 of the uniform Fire Code (UFC).

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

23. If needed, easements shall be granted to the City, appropriate agency, or entity for the purposed ingress, egress, construction and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and/or appropriate agency or entity.



24. Any city-owned improvement damaged during the construction of the proposed project shall be removed and reconstructed per City Standard Plan and to the satisfaction of the City Engineer prior to the issuance of a building permit.
25. Prior to the issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles county Building and Safety Department.
26. A construction permit is required for any work to be done in the public right-of-way.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

27. Per section 6310 of the Carson Municipal Code, all parties involved in the installation of the telecommunication facility to be located at 1601 East 223rd Street, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

OTHER

28. The conditions of approval for Design Overlay Review No. 718-00 are in effect unless superseded by the conditions of approval contained herein.
29. Future modifications to the approved development plans, including the installation of additional panels and equipment cabinetry, shall be subject to Planning Division review and approval. If deemed to be a major modification, the Planning Commission shall be the approval authority.

